

<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	<b>AGENDA ITEM No. 7</b>
<b>18<sup>TH</sup> NOVEMBER 2014</b>	<b>PUBLIC REPORT</b>

Director:	Kim Sawyer, Director of Governance	
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**ADOPTION OF THE MODEL COUNCIL MEMBERS PLANNING CODE OR PROTOCOL**

R E C O M M E N D A T I O N S	
<b>FROM:</b> Director of Governance	<b>Deadline date:</b> N/A
<p>1. That the Model Council Members Planning Code or Protocol annexed to this report is adopted by the Planning and Environmental Protection Committee and thereby replacing the relevant paragraphs in the Constitution which shall be renumbered accordingly.</p>	

**1. ORIGIN OF REPORT**

- 1.1 This report is submitted to the Committee on behalf of the Director of Governance in order to introduce and propose for adoption the updated Model Council Members Planning Code or Protocol which has been produced by Lawyers in Local Government (LLG) and published in April 2014, a copy of which is annexed to this report as Appendix 1 (“the Model Code”).

**2. PURPOSE AND REASON FOR REPORT**

- 2.1 The purpose of this report is to provide the Committee with the Model Code to ensure best practice in the conduct of decision making by members of the Planning and Environmental Protection Committee, and to assist all members in dealing with planning matters.
- 2.2 Part 5 of Section 4 of the Council’s Constitution provides the current Code of Conduct for Members and Officers Dealing with Planning Proposals. This report asks Committee to consider replacing that code of conduct with the national Model Code which has been produced by Lawyers in Local Government and sets out best practice for members in the conduct of decision making by members of the planning and environmental protection committee.
- 2.3 The aim of the Model Code is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

**3. TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	<b>n/a</b>
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**4. BACKGROUND INFORMATION**

- 4.1 The Members’ Planning Code of Good Practice was originally prepared in response to a series of successful challenges concerning themselves with local planning authorities and the Members’ conduct or conflicts of interests. It replaced a number of individual and sometimes haphazard approaches in individual councils at the time.

4.2 The Model Code takes into account the update to the Nolan Principles and commentary from the Committee on standards in public life, the changes in the approach to codes of conduct and also to predetermination introduced by the Localism Act 2011 and the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government 2013.

4.3 This Model Code applies to members at all times when involving themselves in the planning process.

## **5. CONSULTATION**

5.1 The drafting of the Model Code was subject to consultation and comment from a number of local authorities through the machinery of the Association of Council Secretaries and Solicitors (now LLG), the Local Government Association, the Local Government Ombudsman and the Planning Officers Society, supported by leading planning law firms and Queens Counsel.

## **6. ANTICIPATED OUTCOMES**

6.1 It is anticipated that the Committee will adopt to the Model Code to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way, and to ensure best practice at all times.

## **7. REASONS FOR RECOMMENDATIONS**

7.1 Recommendations:

- 1) That the Model Council Members Planning Code or Protocol annexed to this report is adopted by the Planning and Environmental Protection Committee

7.2 Reasons for recommendations:

- 1) The Model Code provides best practice for members at all times when involving themselves in the planning process.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

8.1 That the Model Code is not adopted.

8.2 It is recommended that the Model Code is adopted to ensure best practice in the planning process.

## **9. IMPLICATIONS**

9.1 Legal Implications

The Council must act in accordance with the legislative requirements when dealing with planning matters and the Model Code provides best practice to ensure compliance. Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution up to date. Section 25 of the Localism Act, 2011 introduces provisions for dealing with allegations of bias or pre-determination or matters that otherwise raise an issue about the validity of a decision, whether the decision-maker(s) had or appeared to have a closed mind (to any extent) when making the decision.

9.2 Financial Implications

There are no financial implications associated with the adoption of the Model Code.

9.3 Cross-service Implications

The Model Code assists officers in the Planning, Governance and Legal Services to work with members within the planning process.

**10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

Part 5, Section 4 of the Council's Constitution

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